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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *JMB* DEPUTY

7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LANTZ E. ARNELL

Case No. 08-cv-00441(LAB)

11 Plaintiff

12 NOTICE of Motion for  
13 Reconsideration of Denial of  
14 Plaintiff's request for Court Order  
15 For Surveillance Video.  
16 **Oral Argument Requested**

17 JACK LIEB, ESQ., AND ASSOC.,

Date: Sept. 8, 2008

18 JUDGE W. MCADAM, ET AL.

Time: 10:00 AM

19 Defendants

Court Rm. B (1<sup>st</sup> floor)

20  
21 Judge: Honorable Ruben B.  
22 Brooks

23 To CHERYL BRIERTON, attorney for Judge William McAdam.

24 PLEASE TAKE NOTICE that pursuant to FRCP Rule 60b., plaintiff will  
25 move this court to reconsider the recent denial of a court order for bank  
26 surveillance video because of a manifest showing of a failure to consider the

1 material facts.

2 I. The ruling states that the surveillance video is not relevant to the plaintiff's  
3 claim.

4 A. Plaintiff's first Cause of Action is that Jack Lieb and others are engaged in  
5 a pattern of racketeering which includes identity theft. (P.3, section 5 d of  
6 the complaint). The fourth cause of action is fraud, (p. 8, 1<sup>st</sup> paragraph A)  
7 where we claim that Lieb paid at least one person to pretend to be someone  
8 else.

9 1. The surveillance video requested by plaintiff will provide independent  
10 evidence showing the following:

11 a. Identity theft and fraudulent behavior.  
12 b. The identity theft and fraud referred to in the complaint is ongoing.  
13 c. This pattern of criminal activity is associated with the individual  
14 named in the complaint.

15 2. The court order for the evidence requested is entirely consistent with  
16 FRCP 26 (b) (1).

17  
18 II. The ruling states that it would be improper for plaintiff to give the evidence to  
19 the FBI.

20 A. The Congressional Intent of the Racketeering codes which give citizens the  
21 right of private action is stated in the Congressional Statement of Findings  
22 and Purpose: "It is the purpose of the Act to seek the eradication of  
23 organized crime in the United States by strengthening the legal tools in the  
24 evidence gathering process..."

25 B. If the court believes the argument in A above is not persuasive, plaintiff will  
26 not give the evidence to the FBI.